IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 25TH JANUARY 2007 / 5TH MAGHA 1928

LA.App..No. 76 of 2007(D)

LAR.22/2004 of II ADDL.SUB COURT,THRISSUR
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APPELLANT: RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY THE SPECIAL TAHSILDAR (LA) GENERAL,
THRISSUR.

2. THE GENERAL MANAGER,
DISTRICT INDUSTRIES CENTRE, THRISSUR.

3. THE DISTRICT COLLECTOR, THRISSUR.

BY GOVERNMENT PLEADER SRI.MANOJ KUMAR.

RESPONDENTS: RESPONDENT/CLAIMANTS IN LAR:

SRI.ANTONY, S/O.THARUVAKKARA DEVASSY,
POOTHOLE, THRISSUR.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 25/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & A.K.BASHEER, JJ.

C.M.Appln.102/07 & L.A.A.No.76 of 2007

Dated 25th January, 2007.

J U D G M E N T

Kurian Joseph, J.

An extent of around 83 cents of property belonging to the respondent/claimant was acquired for the purpose of setting up an industrial development plot at Puzhakkal Padam. Section 4 (1) notification was issued on 4.10.1999. The award was passed on 13.11.2001. The land value fixed in the award was at the rate of Rs.3,410/- per Are. The reference court enhanced the same and fixed the land value at Rs.5,633.88 per Are. It is seen from the detailed judgment that considering the situation of the acquired property and its potential value, the market value is fixed. In the process, Exts.A1 to A5 documents also have been relied upon. Since the additional land value in respect of around 83 cents of property granted by the reference court is only around Rs.75,000/- and the statutory benefits, which in the facts and circumstances of the case, according to us, is just and reasonable, we do not think it necessary to issue notice in the delay petition, though the delay is only 15 days. Since the State is to pay interest at the rate of 15%, any further delay would only

be detrimental to the State. For all the above reasons, we dismiss the delay petition as well as the appeal.

KURIAN JOSEPH, JUDGE.

A.K.BASHEER, JUDGE.

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KURIAN JOSEPH & A.K.BASHEER, JJ

W.P.(C) NO. OF 2004

J U D G M E N T

Dated 25th January, 2007.